



Strasbourg, 3 July 2008

Greco (2008) 13E Revised

38th Plenary Meeting of GRECO
(Strasbourg, 9-13 June 2008)

SUMMARY REPORT

I. Opening of the Plenary Meeting

1. The 38th Plenary Meeting of GRECO was chaired by Mr Drago KOS (President, Slovenia) on 9 to 11 June and, on 12 to 13 June, by Mr Marin MRČELA (Vice-President, Croatia). The list of participants appears in Appendix I to this report.
2. The President opened the meeting by welcoming all representatives, referring in particular to those who had been newly nominated.

II. Adoption of the agenda

3. The agenda was adopted as it appears in Appendix II to this report.

III. Information provided by the President, Delegations and the Executive Secretary

4. The **President** reported that since the last plenary meeting he had participated in two events in Romania: a "Good practices transfer conference and training session" on the topic of the fight against irregularities, fraud and corruption in the implementation of EC funded projects in Romania (Bucharest, 22-23 May 2008), organised by the NGO EUROLINK – House of Europe and a conference on journalism and corruption. He had also given a lecture on the fight against corruption to the members of the Government of Bulgaria which had attracted a lot of media attention.
5. The President informed the plenary that Ms Huguette LABELLE, Chair of the Board of Directors of Transparency International (TI) had accepted an invitation to an exchange of views with GRECO at its 39th Plenary Meeting (October 2008).
6. He also outlined the main results of the Bureau 44 meeting (cf. Greco (2008) 10E). The Bureau had agreed to defer any discussion on the advisability of addressing recommendations to members under evaluation to withdraw declarations made under Article 34 ("Territorial application") of the Criminal Law Convention on Corruption (ETS 173) to GRECO, which would be called upon to examine the matter in the context of discussions of a concrete example at the current plenary.
7. The Bureau had given some consideration to the format and content of the programme for GRECO's high-level 10th Anniversary Conference which would be held on 5 October 2009. The President invited delegations to transmit to the Bureau, via the Secretariat, by 29 August 2008, further possible suggestions (format, topics, speakers, etc) as regard the preliminary draft programme contained in the Bureau 44 report (Greco (2008) 10E, Appendix IV). The Executive Secretary added that it might be worthwhile to also discuss the question of corruption at local level during the Conference given that this matter was clearly on the international agenda and had often been referred to by GRECO in its reports.
8. It had been the Bureau's view that requests by members for guidance and support for the implementation of GRECO recommendations could take three forms: (1) informal request for advice or information to one or more GRECO members; (2) requests addressed to and dealt with by the Secretariat directly and (3) requests to the Secretariat, which could/should be forwarded to one or more GRECO members who had themselves successfully addressed a similar situation. It was emphasised that any form of guidance provided could under no circumstances be construed as a binding opinion and pre-empt the conclusion to be reached by GRECO concerning compliance with a recommendation.

9. The floor was handed to delegations. The **representative of the Russian Federation** informed the plenary of an international Roundtable on "Practices and prospects of development of the legislation regulating anti-corruption expertise of legal acts and draft laws in Russia and other countries of Eastern Europe and Asia", organised by the Council of Europe together with the Security Committee of the State Duma, the Ministry of Economic Development and Trade and the Centre for Strategic Development which would be held in Moscow on 24-25 June 2008.
10. The President provided an up-date on the situation in **Slovenia**. Draft legislation providing for the abolishment of the Commission for the Prevention of Corruption would not undergo a third reading until after the elections to be held in October 2008.
11. The **Executive Secretary** reported on the following developments since GRECO's 37th Plenary Meeting (April 2008):
 - San Marino had expressed its firm intention to join GRECO as soon as possible;
 - the number of ratifications of the Civil Law Convention on Corruption (ETS 174) had increased to 33 with four new States becoming parties to the convention in 2008 (Montenegro, the Netherlands, Norway and the Republic of Serbia);
 - GRECO's President would participate, on 24 June 2008, in a meeting organised by the Directorate General of Human Rights and Legal Affairs (DG-HL) of the Presidents of DG-HL monitoring bodies to examine issues raised in the context of initiatives to improve cooperation and coordination between the different Council of Europe bodies;
 - in response to the Bureau's request, an attempt had been made to create a more favourable environment for the plenary discussions by adapting the seating plan for meetings held in the Agora; a meeting room in the Palais de l'Europe had been obtained for GRECO's December plenary meeting, however it was to be noted that GRECO was currently too big a body to sit in the meeting rooms favoured before the move to the new building;
 - since GRECO's exchange of views with Mr Franz-Hermann BRÜNER, Director General of the European Anti-Fraud Office (OLAF) in December 2007, contacts had become more frequent and GRECO representatives and members of the Secretariat had participated in an increasing number of events organised by OLAF: Conference on civil law consequences of corruption (Bremen, 14-15 March); second conference of the Network on Anti-Corruption Agencies (ANCORAGE-NET) "Empowering anti-corruption agencies: defying institutional failure and strengthening preventive and repressive capacities" (Lisbon, 14-16 May); Conference on intensifying cooperation in the prosecution of corruption and other crimes directed against the financial interests of the European Union (Celle, 26-28 May);
 - Bureau 44 had asked the Secretariat to look into possibilities for preparing a provisional review of the outcome of Third Round evaluations carried out by mid-2009 (covering both themes) which could be presented to GRECO's 10th Anniversary Conference;
 - copies were available of a comparative assessment of anti-corruption conventions' review mechanisms, prepared by Transparency International and of an extract from the journal 'eucrim' which both referred to GRECO's work; Transparency International had also produced a study, in German, on international instruments and monitoring processes which would certainly attract

considerable interest if published in English; GRECO's visibility had clearly increased as was evidenced by the number of press references to its work, including a recent article in *The Economist* and a planned article in *Stern*;

- the summary record of GRECO's *Tour de Table* on Compliance Issues which had been sent to all GRECO representatives (Greco (2008) 9E - copies available) would soon be published on GRECO's website.

12. The Executive Secretary drew attention to the Bureau's position with regard to GRECO's compliance procedures (cf. Bureau 44 report – Greco (2008) 10E); he added that the procedures now formed a significant component of GRECO's work and were very time-consuming for the Secretariat, Rapporteurs and the plenary; draft Compliance Reports (and Addenda thereto) involved lengthy exchanges between the Secretariat, Rapporteurs and the countries concerned in order to ensure that assessments were sound; the Bureau maintained its view that in the interests of equal treatment of all members the deadline of 18 months for the submission of situation reports and of 6 months between receipt of situation reports and examination of compliance reports by the plenary should be respected; every effort was made to programme the examination of compliance reports in accordance with this last deadline, a few exceptions occurred due to the constraints of the calendar of meetings.

IV. Third Evaluation Round

13. In line with standing practice, an in-depth reading of the draft Third Round Evaluation Reports on the **Netherlands** and **Luxembourg** took place with the participation of the Evaluation Teams which had carried out on-site visits to the countries concerned. Before adoption, the reports underwent a second reading of drafts revised in the light of the discussions held during the first reading.
14. GRECO adopted the Third Round Evaluation Reports on the Netherlands (Greco Eval III Rep (2007) 8E – Themes I and II) and on Luxembourg (Greco Eval III Rep (2007) 6E – Themes I and II) and invited the authorities of both countries to authorise publication of the reports as soon as possible.
15. The plenary also noted with satisfaction the authorisation given to publish the Third Round Evaluation Report on Slovenia (Greco Eval III Rep (2007) 1E – Themes I and II) adopted at GRECO 35 (December 2007).

V. Joint First and Second Evaluation Rounds

16. An in-depth reading of the draft Joint First and Second Round Evaluation Report on **Austria** took place with the participation of the Evaluation Team which had carried out an on-site visit to the country. Before adoption, the report underwent a second reading of a draft revised in the light of the discussions held during the first reading.
17. GRECO adopted the Joint First and Second Round Evaluation Report on Austria (Greco Eval I-II Rep (2007) 2E) and invited the authorities to authorise publication of the report as soon as possible.

VI. First Round Compliance Procedure

18. The draft Addendum to the First Round Compliance Report on the **United States of America** was based on information provided by the authorities of the country as required by the conclusions of GRECO's First Round Compliance Report. Following a detailed reading, GRECO adopted the Addendum to the First Round Compliance Report on the United States of America (Greco RC-I (2006) 1E

Addendum) and thus terminated the first round compliance procedure in respect of that country. GRECO noted with satisfaction that the authorities of the United States of America authorised publication of the Addendum.

VII. Joint First and Second Round Compliance Procedure

19. The draft Joint First and Second Round Compliance Reports on **Armenia** and the **Republic of Serbia** had been prepared, on the basis of a Situation Report submitted by the authorities of each country, in consultation with Rapporteurs designated on behalf of Bulgaria and Iceland for Armenia and on behalf of Ireland and Lithuania for the Republic of Serbia. The Rapporteurs communicated their observations on the draft compliance reports to the plenary and a detailed reading of the reports followed.
20. GRECO adopted the Joint First and Second Round Compliance Reports on Armenia (Greco RC-I/II (2008) 3E) and on the Republic of Serbia (Greco RC-I/II (2008) 1E). GRECO noted with satisfaction that the authorities of Armenia authorised the publication of the report and invited the authorities of the Republic of Serbia to do so as soon as possible. The deadline fixed for the submission of additional information regarding the implementation of recommendations was 31 December 2009.

VIII. Second Round Compliance Procedure

21. The draft Second Round Compliance Report on the **Czech Republic** had been prepared, on the basis of a Situation Report submitted by the authorities of the country concerned, in consultation with Rapporteurs designated on behalf of Finland and the Slovak Republic. The Rapporteurs communicated their observations on the draft compliance report to the plenary and a detailed reading of the report followed.
22. GRECO adopted the Second Round Compliance Report on the Czech Republic (Greco RC-II (2008) 3E) and invited the authorities to authorise its publication as soon as possible. The deadline fixed for the submission of additional information regarding the implementation of recommendations was 31 December 2009.
23. The draft Second Round Compliance Report on **Portugal** had been prepared, on the basis of a Situation Report submitted by the authorities of the country concerned, in consultation with Rapporteurs designated on behalf of Albania and Luxembourg who communicated their observations on the draft compliance report to the plenary. The subsequent detailed reading of the report was suspended after paragraph 17 due to the substantial quantity of new information provided orally by the Portuguese authorities which the Plenary and the Rapporteurs felt unable to assess on the spot. The delegation was asked to submit this new information to the Secretariat, in writing, by 20 June 2008 at the latest; consideration of the draft Second Round Compliance Report on Portugal was postponed to GRECO 39 (October 2008).
24. GRECO carried out detailed readings of the draft Addenda to the Second Round Compliance Reports on **Finland, Luxembourg, the Slovak Republic and Slovenia**. Each draft Addendum was based on information provided by the authorities of the countries concerned as required by the conclusions of GRECO's Second Round Compliance Reports. GRECO adopted the Addenda to the Second Round Compliance Reports on Finland (Greco RC-II (2006) 2E Addendum), Luxembourg (Greco RC-II (2006) 7E Addendum), and the Slovak Republic (Greco RC-II (2006) 6E Addendum) and thus terminated the second round compliance procedure in respect of each of those countries.

25. GRECO adopted the Addendum to the Second Round Compliance Report on Slovenia (Greco RC-II (2006) 1E Addendum). In the light of GRECO's Conclusion to the Addendum (cf. paragraphs 40 – 42), it was not possible at that stage to terminate the Second Round compliance procedure in respect of Slovenia. GRECO recognised that Slovenia had created an impressive infrastructure of legislative and institutional mechanisms to prevent and combat corruption but had followed with growing concern the recent developments leading towards the possible dismantling of the Commission for the Prevention of Corruption. Since full implementation of three of its Second Round recommendations was tied to the operation of the Commission, GRECO wished to be kept informed of future developments. Consequently, the Slovenian authorities were invited to submit to the Executive Secretary the additional information requested in the Conclusion to the Addendum by 31 December 2008.
26. GRECO noted with satisfaction that the authorities of Finland authorised publication of the Addendum on their country and the authorities of Luxembourg, the Slovak Republic and Slovenia were invited to do likewise as soon as possible.

IX. Budget 2009

27. The Executive Secretary informed participants that the draft Budgetary Proposals for 2009 (Greco (2008) 11E Rev) submitted to the current plenary meeting had been prepared by the Secretariat and approved by the Secretary General in accordance with the Organisation's current procedures under which GRECO did not prepare autonomous budget proposals. The draft proposals, which would undergo further adjustments as they were currently based on 2008 prices, involved an increase of some 9% compared to 2008 which had been accepted by the Secretary General in recognition of GRECO's contribution to the core values of the Organisation.
28. The Executive Secretary informed the plenary that the draft budgetary proposals contained tables provided by the Finance Directorate which explained the rate and method of calculation of individual member States' contributions to the Council of Europe budgets. He then outlined the reasons behind increases to certain budget heads, explaining that efficiency savings made in previous years made it difficult to implement GRECO's foreseeable future work programme without increasing its financial resources in 2009. He stressed, however, that the level of financial contributions of individual GRECO member States had decreased significantly between 2007 and 2008 - due mainly to the accession of Italy as a major contributor to the budget - and that, compared to individual contributions made to the 2006 budget (when GRECO had 6 members less than at present), it was estimated that for 2009 individual contributions would be very close to those made in 2006 for 21 members, would be lower for 12 members (including the major contributors) and would be higher for only 7 members (as a direct consequence of increases in GDP which impact in any event on the rate of the contributions to Council of Europe budgets of the countries concerned).
29. The President recalled the generous voluntary financial contributions made in recent years by Monaco, the Netherlands and the United Kingdom and indicated that further contributions of that nature might be welcome in the future.
30. The Head of the United Kingdom Delegation congratulated the Secretariat for the preparation of what looked like very reasonable draft budgetary proposals for 2009 and was convinced that the management of GRECO's budget would continue to be as effective as it had been to-date.
31. GRECO approved Budgetary Proposals for 2009 (Greco (2008) 11E Rev.) and instructed the Executive Secretary to transmit them to the Secretary General for

consideration by the Budget Committee, prior to their transmission to GRECO's Statutory Committee for adoption.

X. Miscellaneous

32. GRECO listened with interest to presentations by Ms Mariana KALUGHIN, Centre for Combating Economic Crimes and Corruption (CCECC) and Ms Galina BOSTAN, Centre for Analyses and Prevention of Corruption (CAPC) about the anti-corruption expertise of draft legislative and regulatory acts carried out in Moldova with the support of the Joint Project of the European Commission and the Council of Europe against Corruption, Money Laundering and Terrorist Financing in the Republic of Moldova (MOLICO).
33. The CCECC was the public authority body responsible for assessing the compliance of draft legislative and regulatory acts with national and international anti-corruption standards, in order to identify 'corruptibility factors' (i.e. the capacity of legal provisions to generate or favour acts of corruption) and to draw up recommendations for removing them from the draft acts or for reducing their impact. The anti-corruption expertise was mandatory and was carried out by a specialised division composed of 12 experts, on all draft legislative and regulatory acts, irrespective of the field to which they related, before their transmission to the Ministry of Justice; practitioners as well as national experts from the non-governmental and academic sectors could also be involved in the assessments.
34. The CAPC, a non-governmental organisation, carried out corruption proofing of draft legislative acts once they had been submitted to parliament and were available to the public. A concept paper on cooperation between the Parliament and civil society, passed by decision of the parliament end 2005, provided the basis for such monitoring by means of a commitment to publish on Internet all draft legislative acts on the parliament's agenda and to allow representatives of civil society to forward their comments within 15 working days of publication. After the earlier expertise carried out by the CCECC, the CAPC expertise provided an additional filter, at a later stage in the process, for the identification of corruptibility factors. CDs containing detailed information on the methodology and results of both activities were made available to GRECO participants.

XI. Adoption of decisions

35. The decisions of the 38th Plenary Meeting were adopted, as they appear in document Greco (2008) 12E.

XII. Forthcoming meetings

36. GRECO noted that the Bureau would hold its 45th meeting in Strasbourg on 15 September 2008. The 39th Plenary Meeting would be held in Strasbourg on 6-10 October 2008. It was also noted that GRECO's 10th Anniversary Conference would be held on 5 October 2009.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

ALBANIA / ALBANIE

Mr Oerd BYLYKBASHI (Head of delegation)
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Mme Maribel LAFOZ JODAR (Chef de délégation)
Commissaire de Police

M. Ivan ALIS SALGUERO

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Mr Gevorg Mheryan
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Mr Gevorg Kostanyan
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Mr Tigran Barsegyan
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Vice-Président du GRECO – Vice-President of GRECO
Judge at the County Court in Zagreb

CYPRUS / CHYPRE

Apologised / Excusé

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PRESIDENT OF THE STATUTORY COMMITTEE OF GRECO / PRÉSIDENT DU COMITÉ STATUTAIRE DU GRECO

Apologised / Excusé

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Apologised / Excusée

REPRESENTATIVE OF THE CDCJ / REPRÉSENTANT DU CDCJ

Apologised / Excusé

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Mr Damir VEJO

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OBSERVER UNITED NATIONS – UNODC / OBSERVATEUR NATIONS UNIES – ONUDC

Apologised / Excusé

OBSERVER OECD / OBSERVATEUR OCDE

Apologised / Excusé

GRECO EVALUATION TEAMS / EQUIPES D'ÉVALUATION DU GRECO

**Joint First and Second Round Evaluation Report on AUSTRIA /
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Director General of Financial Intelligence Agency, Ministry of Finance

**Third Round Evaluation Report on the NETHERLANDS /
Rapport d'Évaluation du Troisième Cycle sur les PAYS-BAS**

ETS / STE 173

Ms Anna HODGSON (United Kingdom / Royaume-Uni)

Crown Prosecution Service (CPS), CPS Policy

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Party Funding / Financement des partis politiques

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Ms Inese TERINKA (Latvia / Lettonie)

Senior Specialist, Legal Division, Corruption Prevention and Combating Bureau (KNAB)

**Third Round Evaluation Report on LUXEMBOURG /
Rapport d'Evaluation du Troisième Cycle sur le LUXEMBOURG**

ETS / STE 173

M Jean-Marie LEQUESNE (Belgium / Belgique)
Commissionnaire Divisionnaire, Office central de répression de la corruption, Direction Générale de la Police Judiciaire, Police fédérale – Direction DJF,

Mme Claire MORICE (France)
Cour d'Appel de Versailles

Party Funding / Financement des partis politiques

Mr Jan MAJCHROWSKI (Poland / Pologne) – **Apologised / Excusé**
Juriste, politologue, Faculté de Droit et d'Administration, Université de Varsovie

M Stéphane GAUVIN (France)
Adjoint au Chef du Service Juridique de la Commission Nationale des Comptes de Campagne et des Financements des Partis Politiques (CNCCFP)

RAPPORTEURS

**Joint First and Second Round Compliance Reports /
Rapports de Conformité des Premier et Deuxième Cycles conjoints**

ARMENIA / ARMÉNIE

Mr Georgi RUPCHEV (Bulgaria / Bulgarie)

Mr Björn THORVALDSSON (Iceland / Islande)

REPUBLIC OF SERBIA / REPUBLIQUE DE SERBIE

Mr Henry MATTHEWS (Ireland / Irlande)

Ms Elena KONCEVICIUTE (Lithuania / Lituanie)

**Second Round Compliance Reports /
Rapports de Conformité du Deuxième Cycle**

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Helinä LEHTINEN (Finland / Finlande)

Mr Andrej LAZAR (Slovak Republic / République Slovaque)

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M Edmond DUNGA (Albania / Albanie) – **Apologised / Excusé**

M Jean-Paul FRISING (Luxembourg)

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Mr Wolfgang RAU, Executive Secretary of GRECO, Directorate General of Human Rights and Legal Affairs (DG-HL)

Mr Björn JANSON, Deputy to the Executive Secretary, DG-HL

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Ms Laura SANZ-LEVIA, Administrative Officer, DG-HL,

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Mme Laure HEIM, Assistant (Evaluation rounds), DG-HL

Mme Marie-Rose PREVOST, Assistant, (Evaluation rounds), DG-HL

Ms Simona GHITA, Webmaster, DG-HL

Mr Lucas RUIZ DIAZ, Stagiaire, DG-HL

INTERPRETERS / INTERPRETES

Mme Sally BAILEY (10/06-13/06)

Mme Chloé CHENETIER

Mme Isabelle MARCHINI

Mme Julia TANNER (09/06)

APPENDIX II

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / *Ouverture de la réunion - 09h30*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Information from the President, Delegations and the Executive Secretary (including on Bureau 44) / *Information du Président, de Délégations et du Secrétaire Exécutif (y compris sur Bureau 44)*
4. **First reading** of draft Evaluation Reports / **Première lecture** de projets de Rapport d'Evaluation:

Third Evaluation Round / *Troisième Cycle d'Evaluation*
 - **Netherlands / Pays-Bas** (Monday - Tuesday / *lund - mardi*)
 - **Luxembourg** (Wednesday - Thursday / *mercredi - jeudi*)
Joint First and Second Evaluation Rounds / *Premier et Deuxième Cycles d'Evaluation conjoints*
 - **Austria / Autriche** (Tuesday - Wednesday / *mardi - mercredi*)
5. Examination and adoption of the Addendum to the First Round Compliance Report on **the United States of America** / *Examen et adoption de l'Addendum au Rapport de Conformité du Premier Cycle sur les Etats-Unis d'Amérique*
6. Examination and adoption of the Joint First and Second Round Compliance Reports on **Armenia** and **Serbia** / *Examen et adoption des Rapports de Conformité des Premier et Deuxième Cycles conjoints sur l'Arménie et la Serbie*
7. Examination and adoption of the Second Round Compliance Reports on **the Czech Republic** and **Portugal** / *Examen et adoption des Rapports de Conformité du Deuxième Cycle sur la République Tchèque et le Portugal*
8. Examination and adoption of the Addenda to the Second Round Compliance Reports on **Finland, Luxembourg, Slovakia** and **Slovenia** / *Examen et adoption des Addenda aux Rapports de Conformité du Deuxième Cycle sur la Finlande, le Luxembourg, la Slovaquie et la Slovénie*
9. Budgetary Proposals of the Secretary General for 2009 / *Propositions budgétaires du Secrétaire Général pour 2009*
10. **Second reading** and adoption of the draft Third Round Evaluation Reports on Luxembourg and the Netherlands and of the Joint First and Second Round Evaluation Report on Austria (**Friday**) / **Deuxième lecture** et adoption des projets de Rapport d'Evaluation du Troisième Cycle sur le Luxembourg et les Pays-Bas et du projet de Rapport d'Evaluation des Premier et Deuxième Cycles conjoints sur l'Autriche (**vendredi**)
11. Miscellaneous / *Divers*
12. Adoption of decisions / *Adoption des décisions*
13. Dates of next meetings / *Dates des prochaines réunions*